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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SEP 28 PM 5:05

CLERK OF COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

BOARD OF COUNTY
COMMISSIONERS OF MEDINA,
COUNTY, OHIO,

Plaintiff,

v.

JOHN J. BOHATY, et al.,

Defendants.

CASE NO. 1:01CV444

JUDGE ANN ALDRICH

STIPULATION DISMISSING THE UNITED
STATES OF AMERICA AND THE UNITED
STATES ENVIRONMENTAL PROTECTION
AGENCY (USEPA)

Come now the plaintiff, Board of County Commissioners of Medina, County, Ohio, and defendants, the United States of America (United States) and the United States Environmental Protection Agency (USEPA), and hereby stipulate, pursuant to Fed. R. Civ. P. 41(a)(1), to the dismissal of defendants United States and USEPA in light of the Notice of Release of Federal Lien filed in Volume 2001, Medina County O.R., page 030646 on August 29, 2001, (a copy of which is attached as Exhibit 1). This case may now be remanded to the Medina County Court of Common Pleas pursuant to 28 U.S.C. § 1447(c).

Respectfully submitted,

For plaintiff Board of County
Commissioners of Medina
County, Ohio:

William L. Thorne by A/H
William L. Thorne
Assistant Prosecutor
Bank One Bldg.
72 Public Square
Medina, Ohio 44256
(330) 723-9536

*per attached
telephone
consent*

For defendants, the United States
of America and USEPA:

John C. Cruden
Acting Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

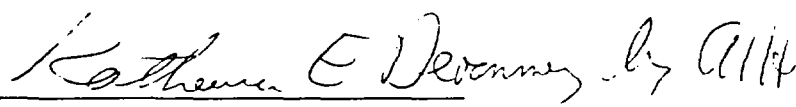
Jon Lipshultz
Environmental Defense Section
United States Department of Justice
P.O. Box 23986
Washington, D.C. 20026-3986
(202) 514-2191
E-Mail: Jon.Lipshultz@usdoj.gov
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Emily M. Sweeney
United States Attorney

By: 

Arthur I. Harris #0027128
Assistant U.S. Attorney
1800 Bank One Center
600 Superior Avenue, East
Cleveland, Ohio 44114-2600
(216) 622-3711
E-Mail: Art.Harris@usdoj.gov
Fax: (216) 522-4982

For defendant Medina County Treasurer:


Katharina E. Devanney #0070197
Medina County Assistant Prosecutor
c/o Medina County Treasurer
144 North Broadway
Medina, Ohio 44256
(330) 723-9536

*per
allotted
to [signature]
consent*

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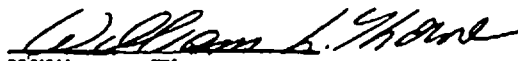
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Commissioners of Medina
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Assistant Prosecutor
Bank One Bldg.
72 Public Square
Medina, Ohio 44256
(330) 723-9536

For defendants, the United States
of America and USEPA:

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Emily M. Sweeney
United States Attorney

By: _____

Arthur I. Harris #0027128
Assistant U.S. Attorney
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600 Superior Avenue, East
Cleveland, Ohio 44114-2600
(216) 622-3711
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Fax: (216) 522-4982

By:  _____

Katharina E. Devaney #0070197
Medina County Assistant Prosecutor
c/o Medina County Treasurer
144 North Broadway
Medina, Ohio 44256
(330) 723-9536



MEDINA COUNTY RECORDER
NANCY ABBOTT

20010R030646

08-29-2001 12:26 PM

RECORDING FEE: 24.00

DOCUMENT TYPE: CANG

PAGES: 4

MEDINA COUNTY RECORDER
NANCY L. ABBOTT

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PAGE OF THIS DOCUMENT.)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

Notice of Release of Federal Lien Under
the Superfund Amendments and
Reauthorization Act of 1986, as amended.

In the Matter of: the Bohaty Drum Site

The United States Environmental Protection Agency (U.S. EPA) hereby releases the federal lien described in the "Notice of Federal Lien Under the Superfund Amendments and Reauthorization Act of 1986" (Notice of Federal Lien), issued by U.S. EPA on July 5, 1995, Volume 1058 Page 460-463 by the Medina County Recorder, Medina, Ohio, on July 18, 1995, and the preceding "Notice of Lis Pendens" which issued by the United State Attorney's Office and was recorded on June 1, 1995, Volume 1042 Page 8-11.

The Notice of Federal Lien gave notice that all costs and damages for which Ethel and John Bohaty were liable under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §§ 9601 - 9675, as amended by the Superfund Amendments and Reauthorization Act of 1986, constituted a lien in favor of the United States upon all real property and rights to such property which was subject to, or affected by, the removal and remedial actions at the Bohaty Drum Site in Medina, Ohio, including, but not limited to the following described Real Estate:

PARCEL NO. 1: Situated in the Township of Medina, County of Medina and State of Ohio: And known as being part of Lot No. 47 and 48 and supposed to be 17 acres in Lot No. 47 and 33 acres in Lot No. 48 and bounded as follows: Commencing in Lot No. 47 at a point in the center of the Highway, known as Pearl Road, at the southwest corner of land now or formerly owned by E. French to Olney Allen; thence along the south line of said land to the East line of Lot No. 48; thence South on the East line of said Lot No. 48 so far that a line running west to the center of said highway and parallel with said North line and thence Northerly along the center of said highway to the place of beginning, shall contain 50 acres of land. Said land being the same deeded by W.W. Boardman to said Olney Allen.

EXCEPTING THEREFROM THE FOLLOWING: Situated in the Township of Medina, County of Medina, State of Ohio and known as being a part of Medina Township of Lot 47 further bounded and described as follows: Commencing at the Southwest corner of Stonegate Subdivision Phase I as recorded in

30646-1

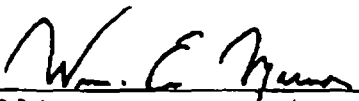
Volume 20, Page 50 also being in the centerline of S.R. 42, S.H. 25 Pearl Road and being the Northwest corner of land now or formerly owned by John and Vencel Bohaty; thence S 1° 20' 30" E, 437.52 feet along Pearl Road centerline to a point therein, being the principal place of beginning of the parcel described herein; thence N 87° 32' 18" E, 160.00 feet, passing through an iron pin set at 30.00 feet, to an iron pin set; thence S 1° 20' 30" E, 32.00 feet to an iron pin set; thence N 87° 32' 18" E, 165.83 feet to an iron pin set; thence S 1° 20' 30" E, 118.00 feet to an iron pin set in the North corporation line of the City of Medina; thence S 87° 32' 18" W, 325.83 feet to the centerline of Pearl Road passing through an iron pin set 30.00 feet therefrom; thence N 1° 20' 30" W, 150.00 feet along the centerline of Pearl Road to the principal place of beginning and containing therein 1.0000 acre of land as surveyed in June, 1983 by Charles A. Rolling, Reg. Surveyor No. 5569. (Permanent Parcel No. 026-06C-12-005)

PARCEL NO. 2: Situated in the Township of Medina, County of Medina and State of Ohio: And known as the Northwest part of Lot No. 49 in said Township. Beginning at a tile set in the Northwest corner of said Lot 49; thence East along the North line of said Lot 1658.5 feet to a tile; thence South 691.5 feet to a tile; thence S 29° 5' E, 127 feet to a post; thence S 21° W, 83 feet to a basswood tree; thence S 17° 37' E, 181 feet to a cherry tree; thence S 4° 45' W, 92.5 feet to an iron pin; thence West 29 feet to an iron pin; thence S 37° 48' W, 138 feet to a hedge tree; thence S 19° 15' E, 93 feet to a stone; thence N 88° 45' W, 1667.7 feet to a post in the west line of said Lot No. 49; thence N 43° E, along lot line 1302.7 feet to a tile, the place of beginning, containing 51 24/100 acres of land. (Permanent Parcel No. 026-06C-14-001)

PARCEL NO. 3: Situated in the Township of Medina, County of Medina and State of Ohio: and known as being in the Southwest corner of Lot No. 49, bounded and described as follows, to wit: Commencing at the Southwest corner of said Lot No. 49; thence North on the West line of said Lot to the Southeast corner of land now or formerly owned by Adam Bishop; thence East on a line parallel with the north line of said Lot and far enough so that a line running from thence South on a line parallel with the West line of said Lot to the South Line of said Lot and from thence West to the place of beginning, will contain within said boundaries 50 acres of land. (Permanent Parcel No. 026-06C-14-002)

30646-2

Dated at Chicago, Illinois, this 9th day of August, 2001.



William E. Muno, Director
Superfund Division
U.S. EPA, Region V
77 West Jackson Boulevard
Chicago, Illinois 60604

30646-3

The Bohaty Drum Site
Medina County, Ohio
Site #05PN

United States of America)
State of Illinois)
County of Cook)

On this 9TH day of August, 2001, there appeared personally before me, the undersigned Notary, William B. Munro, known to me to be the Director, Superfund Division, of the United States Environmental Protection Agency, Region V, and he acknowledged that he signed the foregoing NOTICE OF RELEASE OF FEDERAL LIEN in a representative capacity as the free and voluntary act and deed of the United States and its said Agency for the uses and purposes therein mentioned. Given under my hand and official seal and year first stated above.

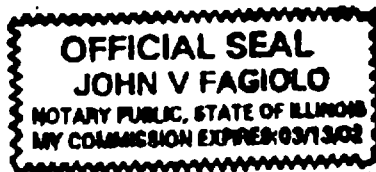
Signature of Notary Public: John V Fagiolo

Printed Name of Notary Public: JOHN V. FAGIOLO

County: COOK

State: ILLINOIS

My commission expires: 3/13/02



This instrument was prepared by
Kathleen Kelly Schnieders
Associate Regional Counsel (C-14J)
U.S. Environmental Protection Agency
Region 5, 77 West Jackson Blvd.
Chicago, IL 60604

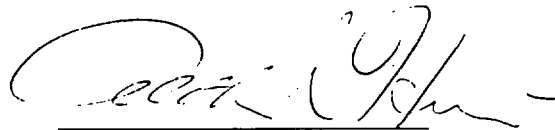
CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Stipulation Dismissing the United States of America and the United States Environmental Protection Agency (USEPA) were served by first-class U.S. mail on September 28, 2001, to the following:

William L. Thorne
Assistant Prosecutor
Bank One Bldg.
72 Public Square
Medina, Ohio 44256

David S. Hoffmann
The Caxton Bldg., Suite 650
812 Huron Road
Cleveland, Ohio 44115

Medina County Treasurer
144 North Broadway
Medina, Ohio 44256

A handwritten signature in black ink, appearing to read "Arthur I. Harris", written over a horizontal line.

Arthur I. Harris
Assistant U.S. Attorney

U.S. ENVIRONMENTAL
PROTECTION AGENCY

OCT 13 2001

OFFICE OF REGIONAL
COUNSEL